



# STATE OF INDIANA

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Mr. Thomas E. Mason  
4800 S. 930 E.  
Wolcottville, IN 46795

*Re: Informal Inquiry 09-INF-47; Minutes of County Commissioners' Administrative Meetings*

Dear Mr. Mason:

This is in response to your informal inquiry regarding county commissioners' administrative meetings. Pursuant to Indiana Code § 5-14-4-10(5), I issue the following advisory opinion. My opinion is based on applicable provisions of the Indiana Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.*

You have requested an informal opinion regarding whether county commissioners are required to "take minutes of the public's business" in the course of "staff or administrative meetings in which the majority of the governing body is present" to take official action on such public business.

I note, as I did in my formal advisory opinion regarding the LaGrange County Commissioners, *Opinion of the Public Access Counselor 09-FC-235*, that the ODL contains no requirement that a governing body utilize an agenda or create minutes of its meetings. Regarding minutes and memoranda, the ODL provides the following:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.
- (2) The members of the governing body recorded as either present or absent.
- (3) The general substance of all matters proposed, discussed, or decided.
- (4) A record of all votes taken, by individual members if there is a roll call.
- (5) Any additional information required under IC 5-1.5-2-2.5.

(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of

informing the public of the governing body's proceedings.  
The minutes, *if any*, are to be open for public inspection  
and copying.

I.C. § 5-14-1.5-4 (emphasis added). Thus, under the plain language of the ODL, county commissioners should keep memoranda regarding administrative meetings in accordance with section 4(b).

In support of your position that minutes should be taken at administrative meetings, you cite to Ind. Code § 36-2-2-11(a), which provides that the “county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive.” You argue that this section requires the auditor to keep minutes of the county’s administrative meetings. As a general rule of statutory construction, if a statute is unambiguous (i.e., susceptible to but one meaning), Indiana courts give the statute its clear and plain meaning. *Elmer Buchta Trucking, Inc. v. Stanley*, 744 N.E.2d 939, 942 (Ind. 2001). Here, it appears that the word “proceedings” refers to a “record of business carried on by a society or other organization; *minutes*.” American Heritage Dictionary, 4<sup>th</sup> Ed. (2000) (emphasis added). Thus, it appears that Ind. Code § 36-2-2-11(a) requires the auditor to attend the administrative meetings of the county and create a record or minutes regarding the same. I note, however, that the public access counselor has no authority to issue an advisory opinion regarding issues outside the scope of the public access laws (i.e., the Access to Public Records Act and Open Door Law), so I express no formal opinion on this issue. *See* Ind. Code § 5-14-4-10.

For the foregoing reasons, it is my opinion that section 4 of the ODL requires the Commissioners to keep memoranda regarding their administrative meetings. Moreover, although the plain language of the law appears to require as much, I do not have the authority to issue an advisory opinion regarding whether or not the auditor is required to attend and create a record or minutes of a county’s administrative meetings.

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,



Andrew J. Kossack  
Public Access Counselor